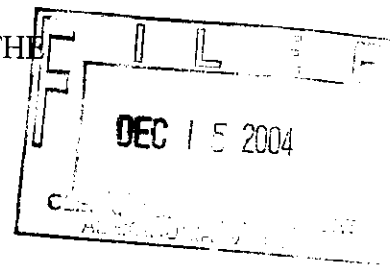


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

AMERICA ONLINE, INC.,

Defendant.

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)

CRIMINAL NO. 1:04 M 1133

**JOINT MOTION OF THE PARTIES TO HOLD THE
CRIMINAL COMPLAINT IN ABEYANCE FOR TWENTY FIVE MONTHS**

COMES NOW, the United States of America, through its attorneys, Paul J. McNulty, United States Attorney, Dana J. Boente and Charles F. Connolly, Assistant United States Attorneys, and Adam A. Reeves, Trial Attorney, Criminal Division, United States Department of Justice, and America Online, Inc. ("AOL"), through its attorney Richard Cullen, and hereby jointly move the Court for an Order holding in abeyance for twenty five months the criminal complaint against AOL filed concurrently with this Joint Motion. Pursuant to the Deferred Prosecution Agreement between the United States and AOL filed concurrently herewith, a criminal complaint has been filed against AOL for aiding and abetting a violation of the federal securities laws in violation of Title 18, United States Code, Section 2, Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5. Under the Deferred Prosecution Agreement, the government agreed to defer prosecution on the criminal complaint for twenty four months and will dismiss the complaint within 30 days of the expiration of twenty fourth month if AOL fully complies with its obligations as set forth in the Deferred Prosecution Agreement.

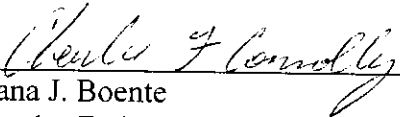
AOL consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, Title 18, United States Code, Section 3161(h)(2), or other pertinent provisions and consents to the adjournment of all proceedings in this case.

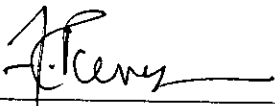
WHEREFORE, the parties hereby move the Court for an Order holding the criminal complaint in abeyance for twenty five months.

Dated: December 15, 2004


Respectfully submitted,

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By: 
Dana J. Boente
Charles F. Connolly
Assistant United States Attorneys

By: 
Adam A. Reeves
Trial Attorney, Criminal Division
United States Department of Justice

On behalf of America Online, Inc.



Richard Cullen, Esq.
McGuire Woods LLP
Counsel to America Online, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Joint Motion of the Parties to Hold the Criminal Complaint in Abeyance for Twenty Five Months was sent by first class mail and facsimile on the 15th day of December 2004 to:

Richard Cullen, Esq.
McGuireWoods LLP
One James Center
901 East Canary Street
Richmond, VA 23219
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facsimile: 804-698-2035

Counsel to Time Warner Inc.


Charles F. Connolly